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23STCP00231

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Catholic Charities of Los Angeles, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CATHOLIC CHARITIES OF LOS ANGELES, INC.,

Petitioner,

v.

CITY OF LOS ANGELES, a municipal entity; and DOES 1-25, inclusive,

Respondents.

CASE NO. 23STCP00231

VERIFIED PETITION FOR WRIT OF MANDATE

[California Code of Civil Procedure § 1085]

INTRODUCTION

1. Catholic Charities of Los Angeles, Inc., a California nonprofit, public benefit corporation, is the charitable social service organization for the Archdiocese of Los Angeles, an archdiocese of the Roman Catholic Church. Catholic Charities hereby petitions this Court for a writ of mandate pursuant to California Code of Civil Procedure section 1085 because the City of Los Angeles refuses to issue a ministerial demolition permit for a deteriorated, unusable building. As the City has no legitimate basis under the law for refusing to issue Catholic Charities a demolition permit, a writ must issue commanding the City to do so.

2. Since 2019, Catholic Charities has submitted repeated requests to the Department of Building and Safety to demolish the deteriorating building (the "Building") located at 846 S. Union Avenue (the "Property"), immediately adjacent to Catholic Charities' main office. Catholic Charities has submitted two official applications for a demolition permit: one on December 19, 2019, and another on January 29, 2020 and has made numerous requests to the City since that time to secure the demolition permit. Each of these requests has fully complied with all applicable Department of Building and Safety regulations for issuance of a demolition permit.

3. As part of the Department of Building and Safety's ministerial process for issuing demolition permits, the Department of Building and Safety has asked the Department of City Planning to provide a "planning clearance." The Department of City Planning improperly refuses to issue this "planning clearance." The Department of City Planning asserts that, because the Building ***may*** be historic, discretionary review is required, and alternatively, because Catholic Charities ***may*** have a future project for the Property, Catholic Charities and the City must comply with the California Environmental Quality Act ("CEQA") prior to the issuance of a demolition permit.

4. The Department of City Planning wrongly argues that the Westlake Redevelopment Plan adopted in 1999 by the defunct Community Redevelopment Agency for the City of Los Angeles requires discretionary review prior to issuance of the demolition permit. The Department of City Planning asserts that the Building was identified in 2009 on a form survey of ***potential historic resources*** within the now moribund Westlake Redevelopment Plan area. In the more than

13 years since that form was completed no further action has been taken by the now dissolved Redevelopment Agency or City with respect to such assertion other than recently to reject an application to designate the Building as a City Historic Cultural Monument.

5. The Building is not a designated historical or cultural monument. The City has concurred that the Building cannot be designated as a City Historic Cultural Monument by operation of state law. Cal. Gov. Code Section 37361 subsection (c)(2). The Westlake Redevelopment Plan does not require additional review prior to issuance of a demolition permit.

6. The City then separately asserted that issuing a demolition permit for the dilapidated Building would constitute impermissible segmenting or piecemealing, and that in order to fulfill CEQA's obligation to evaluate the "whole of the action," Catholic Charities and the City must complete CEQA review for a "project" before demolishing the Building. But there is no "project" for which Catholic Charities is seeking approval and certainly no "project" as defined by CEQA.

7. Catholic Charities has informed the City that it does not have a proposed project. In connection with the demolition permit application, the City required submission of a form confirming that Catholic Charities had no proposed project. Monsignor Gregory Cox, the Executive Director of Catholic Charities, submitted the Notice and Owner's Declaration required by the City, certifying under penalty of perjury that the demolition is not to facilitate the construction or development of a larger project at the Property or that no discretionary permits are required for the project. *See* Exhibit 1. Monsignor Cox also testified before the City Council on June 6, 2022 that Catholic Charities has no project for the Property.

8. Catholic Charities acquired the Property when it became available because of its location adjacent to Catholic Charities' headquarters and the Immaculate Conception parish hall, church, and school. Catholic Charities did not have a specific project in mind for the Property other than to use it in furtherance of the charitable mission of the Catholic Church, which is deeply grounded in the religious faith of the Catholic Church.

9. Catholic Charities has submitted no applications to the City for approval of a project to be developed on the Property. The City claims that a theoretical vision once conceptualized by

Catholic Charities for the Property, which was articulated in 2019, is Catholic Charities' true intention for the Property. But Catholic Charities has not taken any steps towards the realization of that preliminary vision. It has filed no requests for a general plan amendment, zone change, conditional use permit, or other City approvals that would be required to effectuate such a visionary concept. And, in fact, any visionary concept at all for the Property has long since evaporated in light of budgetary limitations, the devastating impacts of COVID-19, and the current needs of Catholic Charities to engage in the most pressing public work consistent with its mission.

10. If CEQA review were required, Catholic Charities would have to ***create*** a fictional project description for a project it has no intention of building. Catholic Charities would then have to submit that fictional description to the City for a review of whether the made-up project complies with applicable environmental laws and plans, and how any environmental impacts can be avoided or mitigated. This process of reviewing a project that does not exist would cost Catholic Charities many hundreds of thousands of dollars, including expenses for architects, engineers, and environmental and legal consultants, which would have to be diverted away from funding essential programs for the community Catholic Charities serves.

11. Catholic Charities has repeatedly and consistently clarified that its intention is to simply demolish the Building, which is plagued by mold and structural and seismic insecurities that make the Building dangerous and financially unfeasible to use or maintain. Catholic Charities incurs ongoing costs of hundreds of thousands of dollars a year to maintain and secure the building, which is vacant, deteriorated and unstable, and cannot be used by Catholic Charities. These funds are being diverted from critical programs to help disadvantaged communities. Despite the fact that Monsignor Cox has sworn under penalty of perjury that the demolition is not part of a larger project requiring CEQA review, the City continues to insist that Catholic Charities undergo an unreasonable, lengthy, and expensive discretionary review process (e.g., preparing an environmental impact report) for a project that does not exist.

12. The City is taking the position that either Catholic Charities must never have contemplated a use of the Property or it must continue to incur costs and liability associated with

maintaining the Building until it decides on a specific project for the Property. CEQA does not dictate such a false choice.

13. The City has failed to perform its ministerial duties to issue the demolition permit. Instead, it is seeking to transform a ministerial permit issuance into a discretionary act by purporting to know Catholic Charities' plans for Property development better than Catholic Charities does itself.

14. The City is attempting to subject Catholic Charities' ministerial demolition permit request to a discretionary process where none legally exists. The Department of City Planning cannot base its permit denial on its own unfounded beliefs about the veracity of Catholic Charities' statements, under penalty of perjury, that the demolition is not part of a larger project to develop the Property.

15. A discretionary review process would subject Catholic Charities' simple demolition plans to lengthy delays, public hearings, and the expenditure of Catholic Charities' already scarce resources. These limited resources should be spent furthering Catholic Charities' mission of providing support to the most vulnerable members of our community, rather than being used to jump through the illegal and arbitrary hoops the City has inexplicably erected.

THE PARTIES AND VENUE

16. Petitioner Catholic Charities of Los Angeles, Inc. is a 501(c)(3) nonprofit, public benefit corporation and social service organization for the Archdiocese of Los Angeles, an archdiocese of the Roman Catholic Church. Catholic Charities is duly existing under the laws of the State of California and the legal owner of the Property, *i.e.*, the subject of this proceeding.

17. Respondent City of Los Angeles is a municipal corporation and charter city, organized and existing under the laws of the State of California, with the capacity to sue and be sued. As used herein, the term "City" includes, but is not limited to, City employees, officers, agents, boards, commissions, and departments and their members, all equally charged with complying with duties under the City Charter and with the Constitutions and laws of the State of California and the United States.

18. Catholic Charities does not know the true names or capacities, whether individual, corporate, associate or otherwise, of Respondent Does 1 through 25, inclusive, and therefore sues said Respondents under fictitious names. Catholic Charities will amend this Petition to show their true names and capacities when and if the same have been ascertained.

19. Venue is proper in this Court because the actions complained of in this Petition, the subject Property, and the proposed demolition are all in Los Angeles County.

BACKGROUND

20. The Property is located at 846 S. Union Avenue in the Westlake District of Los Angeles. On the Property is a single structure: the original building, built in 1923-1924 for the B'nai B'rith Lodge Association, and an addition, built in 1946 for the American Federation of Labor (AFL) Teamsters. The Building is three stories tall and occupies a rectangular parcel of 20,773.3 square feet. Since the Building was sold by the B'nai B'rith Lodge Association in 1933, the Building has been owned by various entities and has been occupied by various users including the Los Angeles Aerie 102 Fraternal Order of Eagles, Safeway Stores, the AFL, and most recently the Lighthouse Mission Church.

21. The Property is zoned LA-C2 (commercial), which permits a broad range of uses.

22. Catholic Charities purchased the Property in September of 2018. Catholic Charities purchased the Property specifically because it was located next to Catholic Charities' main office and Immaculate Conception parish hall and within a block of the Immaculate Conception Church and school. The City's Zoning Information and Map Access System states that the Building is not historic. *See* Exhibit 2.

23. On December 19, 2019, Catholic Charities, through its land use consulting firm, Bruce A. Miller & Associates, and Mercury Demolition, submitted to the City its application for a permit to demolish the Building. The permit application was assigned the number 19019-10000-06267.

24. Catholic Charities submitted a fully compliant demolition plan that requires no variances, adjustments, or other discretionary approvals to the City for ministerial issuance of a demolition permit.

25. On January 29, 2020, Catholic Charities submitted to the City a second application for a permit to demolish the Building. The permit application was assigned the number 20019-10000-0047.

26. In spite of Catholic Charities' fully compliant permit applications, the City informed Catholic Charities, on February 5, 2020, that the demolition permit would not issue on the grounds that "the site proposed for demolition is identified as eligible for the California Register [of Historical Resources] . . . Pursuant to Section 522 of the Westlake Redevelopment Plan … , special consideration shall be given to the protection of the building. This demolition permit will not be cleared." *See* Exhibit 3. The City directed Catholic Charities to contact the City's Office of Historic Resources ("OHR") for additional information. *Id.*

27. Disagreeing with the City's initial response, and recognizing that the decrepit Building would continue to deteriorate and pose an increasing health and safety risk, on January 12, 2022, Catholic Charities renewed its efforts to get its 2020 application for a demolition permit cleared. The City once again would not issue the permit, reiterating its position that the Property was potentially "eligible for listing on the California Register of Historical Resources and as a potential locally-listed historic resource . . . through a historic resources survey of the Westlake Recovery Redevelopment Project Area." *See* Exhibit 4.

28. Shortly thereafter, on May 11, 2022, the Building was nominated by a third party as a Historical-Cultural Monument. Because the Building is owned by a faith-based and religiously affiliated institution, Catholic Charities objected to the classification of the Property as a Historical-Cultural Monument. *See* Exhibit 5.

29. Specifically, Catholic Charities asserted that pursuant to Gov. Code § 37361 (c), the Cultural Heritage Ordinance does not apply to "noncommercial property owned by any association or corporation that is religiously affiliated and not organized for private profit . . . provided that both of the following occur: (1) The association or corporation objects to the application of the subdivision to its property, [and] (2) The association or corporation determines in a public forum that it will suffer substantial hardship, which is likely to deprive the association or corporation of economic return on its property, the reasonable use of its property, or the

appropriate use of its property in the furtherance of its religious mission, if the application is approved." *See* Exhibit 6. Catholic Charities stated that it would face substantial hardship if the property were classified as a Historical-Cultural Monument:

> Due to the dilapidated state of the existing building and the significant expenditures that are needed to bring the building into a usable condition, Catholic Charities will suffer a substantial hardship that will deprive it of the reasonable use of the property in furtherance of its mission if the proposed Historic-Cultural Monument designation is approved. *See California-Nevada Annual Conference of the United Methodist Church v. City and County of San Francisco*, 173 Cal. App. 4th 1559 (2009). The building is in extremely poor condition; structural, seismic, mold and other issues makes use of the building financially infeasible for Catholic Charities. *Id.*

Furthermore, at a hearing before the Los Angeles City Council on June 8, 2022, Catholic Charities stated:

> Catholic Charities objects to the proposed designation . . . Catholic Charities has determined that if the property is designated as an Historic-Cultural Monument, Catholic Charities will suffer substantial hardship which will deprive Catholic Charities of appropriate use of the property in the furtherance of our religious mission, reasonable use of the property, and economic return on the property. *See* Exhibit 7.

30. Monsignor Cox also delivered an additional letter to the OHR on June 6, 2022, clarifying that Catholic Charities' objections to the Historical-Cultural Monument designation stemmed in part from a report from Nabih Youssef Associates, a structural engineering firm that performed an evaluation of the Building in June of 2022, which informed Catholic Charities' understanding that "[d]ue to the dilapidated state of the existing building, millions of dollars are needed to address [its] serious deficiencies." *See* Exhibit 8.

31. Among other things, Nabih Youssef Associates stated in its structural evaluation of the existing Building at 846 S. Union Ave. that:

> Significant building degradation was observed in the basement concrete walls and in the unreinforced masonry (URM) wall mortar above grade. At certain locations throughout the basement, significant spalling in the bottom 1/3rd of the wall height was exposing the steel rebar that also showed deterioration due to loss of concrete cover. Also, the mortar in the URM walls [was] observed to be crumbling away with a brush of the finger.

The report also stated that "[t]he compressive strength results of the reinforced concrete walls are much lower than expected," that "[i]n-place shear test results of the URM walls showed that when compared to numerous buildings tested by Accu-Test over 3 decades, the shear strength is in the lower 20th percentile," and that "[t]he exploratory excavations revealed smaller footing sizes than

expected for the exterior wall and interior column supporting the most gravity load." *See* Exhibit 9.

32. On June 15, 2022, the Department of Planning, Office of Historic Resources, conceding that the City had no legal authority to designate the Property/Building as a Historic-Cultural Monument, officially informed Catholic Charities that "the Department of City Planning (Planning) is no longer processing the application for the proposed designation of the [Building] as an Historic-Cultural Monument." *See* Exhibit 7. Nevertheless, the City refused to issue Catholic Charities' requested demolition permit.

33. Once it became clear that the Building was not going to be designated as a Historical-Cultural Monument, the City then asserted it could not issue the demolition permit because, contrary to the express representations of Catholic Charities, the City believed Catholic Charities not only intended to demolish the Building, but that it had plans for a "project" at the Property. *See* Exhibit 10. The City based this statement on what it referred to as "[t]he substantial publicly available information indicating that a replacement project is contemplated for this site," and concluded that "it would not be appropriate for our Department to clear a stand-alone demolition permit for this structure." *Id.* Because of this, the City argued, CEQA review was necessary and a "more complete project description" was required before any demolition permit could issue. *Id.*

34. Catholic Charities has no "complete project description" to provide. As Catholic Charities has stated time and time again to the City, it has no such plans for a project. While true that Catholic Charities has "engaged in some preliminary visioning of potential uses of the property," *see* Exhibit 11, those visions were only theoretical concepts in keeping with Catholic Charities' mission statement of "collaborating with diverse communities, providing services to the poor and vulnerable, promoting human dignity, and advocating for social justice."[1] Catholic Charities has not hidden these potential uses; indeed, some have been shared with the City itself.

[1] Available at: https://catholiccharitiesla.org/vision/#:~:text=Catholic%20Charities%20is%20committed%20to,and%20advocating%20for%20social%20justice.

Id. But Catholic Charities has not done an evaluation of permitted uses, operational issues, and costs that typically would inform plans for a property. *Id.* Catholic Charities has not initiated any sort of capital campaign in order to fund a construction project, and absolutely no decision has been made by Catholic Charities' Board regarding any plans for development of the site. *Id.* Preliminary visioning in no way constitutes the kind of project that is subject to CEQA review—the environmental impact of plans cannot be evaluated when no plans exist.[2] Further, without plans, it cannot even be known whether use of the Property would require any discretionary permits.

35. Catholic Charities has, on numerous occasions, explained to the City that it has no building plans. Its Board has not approved a project for the Property and has not allocated funds to construct a building. It simply wants to demolish a dangerous old structure on the Property. To that end, as required by the City, Monsignor Cox submitted a sworn Owner's Declaration on July 26, 2022, confirming that "the demolition authorized by this permit is not to facilitate the construction or development of a larger project at the project site …." *See* Exhibit 1.

36. Nevertheless, the City has remained inexplicably undeterred in its certainty that Catholic Charities intends to demolish the Building in order to erect a new building following demolition on the Property. CEQA applies only where there is discretionary action to be taken by the permitting agency and does not apply to ministerial actions. Cal. Code Regs. Tit. 14, Section 15268. In this case, the permitting agency is the City. Catholic Charities' demolition plans fully comply with all applicable regulations and do not require any variances, adjustments, or other discretionary approvals from the City.

[2] Although there is no plan for any kind of future project on the Property that could even be subject to CEQA review, we note that California courts have held that demolition permits should be issued notwithstanding future plans for property development. *See Bottini v. City of San Diego*, 27 Cal. App. 5th 281, 301 (2018) ("Assuming that the [Petitioners] intended to construct a residence on the lot when they purchased it, that fact does not change the result of this case. That is because the demolition permit . . . was, as all parties agree, ministerial. Whereas CEQA applies to certain nonexempt discretionary acts, it specifically excludes ministerial acts from its reach. (§ 21080, subd. (b) [excluding "[m]inisterial projects proposed to be carried out or approved by public agencies"].)"; *see also Friends of Juana Briones House v. City of Palo Alto*, 190 Cal. App. 4th 286, 292-293 (2010) (rejecting argument that CEQA required consideration of both demolition permit and anticipated construction because both projects were ministerial). Accordingly, even if there were reason to credit the City's speculation regarding Catholic Charities' future plans for the Property, the permit's issuance would nevertheless be a ministerial act that falls outside the kind of discretionary review that would trigger CEQA.

37. Catholic Charities' application for the Permit is straightforward: it is ministerial, and not subject to review under CEQA. The City's assertions regarding the redevelopment plan and Catholic Charities' intentions for the Property is the City's illegal, discriminatory, and arbitrary attempt to create an artificial excuse to apply CEQA to what is, under the City Municipal Code, a ministerial process.

STANDING AND EXHAUSTION OF ADMINISTRATIVE REMEDIES

38. Catholic Charities is the owner of the Property that is the subject of the Permit and is therefore beneficially interested in the subject of this Petition.

39. Catholic Charities sought issuance of the Permit through the City's approval process.

40. Catholic Charities has no plain, speedy, or adequate remedy in the course of ordinary law unless this Court grants the requested writ of mandate. In the absence of such remedy, the City's application of CEQA to the review of Catholic Charities' application for a ministerial demolition permit will form the basis for a decision taken in violation of law.

41. Catholic Charities has exhausted all administrative remedies available to it. Catholic Charities has engaged the City in a lengthy and comprehensive dialogue concerning the applicability of CEQA to the Property, written numerous letters, and submitted voluminous evidence to the City supporting its statements about the Property. To the extent that the City contends that any administrative appeals remain available to Catholic Charities, it would be futile in these circumstances to require Catholic Charities to engage in the lengthy and expensive process of complying with them given that the City has already expressed a final decision denying the demolition permit twice.

FIRST CAUSE OF ACTION

(Petition for Writ of Mandate Pursuant to Code of Civil Procedure § 1085 Against All Respondents)

42. Catholic Charities re-alleges each of the above allegations, which are incorporated herein by this reference.

43. The City's issuance of the demolition permit at issue here is a ministerial act. CEQA compliance is not required for ministerial actions such as the approval of a demolition permit. Pub. Resources Code, § 21080(b)(1). Catholic Charities has satisfied all preconditions, submitted all necessary information and applications, and paid all applicable fees for the issuance of a demolition permit for the Building.

44. The City has no legal basis for refusing to issue the demolition permit. The City's actions are in clear contravention of its ministerial duties and are unlawful, discriminatory, arbitrary, and capricious, and have denied Catholic Charities the exercise of its rights under the laws of the City and the State of California and the Constitution of the United States.

PRAYER FOR RELIEF

WHEREFORE, Catholic Charities respectfully requests that this Court enter judgment on its claims for relief as follows:

1. For a writ of mandate to issue commanding the City to grant the pending demolition permit regarding Catholic Charities' Property at 846 S. Union Avenue forthwith;

2. For an award of reasonable attorneys' fees and costs, to the extent allowable by applicable law; and

3. For such other and further relief as the Court may deem just and proper.

Dated: January 26, 2023

Respectfully submitted,

LATHAM & WATKINS LLP

By _____

NIMA H. MOHEBBI
355 South Grand Avenue, Suite 100
Los Angeles, California 90071-1560
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Attorney for Petitioner

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE and know its contents.

I am the Monsignor of Catholic Charities, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of under the laws of the State of California that the foregoing is true and correct.

Executed on January 26, 2023, at Los Angeles, California.

Monsignor Gregory Cox

Monsignor Gregory Cox

Signature

Exhibit 1

City of Los Angeles - Department of Building and Safety

Attachment to Application for Demolition Permit:
Notice and Owner's Declaration Related to CEQA
and Project Scope

I. Notice to Owner

If you are applying for a demolition permit to facilitate the construction or development of the project site, you may be referred to the Planning Department for further assistance.

The California Environmental Quality Act (CEQA) directs public agencies to assess and disclose the environmental effects of the projects it approves. In determining whether a proposed project is subject to CEQA, the City is required to consider all of the parts and phases of the project and may not limit its review to the specific permits or approvals sought. (Public Resources Code Section 21065) Failure by a project applicant to disclose future construction or development activities on the project site may result in a violation of CEQA. If the City determines that an application or approval is part of a larger undisclosed project, the City may revoke and/or stay any approvals until a full and complete CEQA analysis of the whole project is reviewed and an appropriate CEQA clearance is adopted or certified.

Please contact the Planning Department if you have additional questions after reviewing this notice.

II. Owner's Project Information

Based upon the above-stated rule, is the proposed demolition part of a larger development project at the demolition site, and if so, will the larger project require any discretionary approvals from the City? (Select "Yes" or "No," and follow the related instructions)

Yes ___ A CEQA clearance from the Planning Department will be required prior to the issuance of the demolition permit for the proposed project. Return this form to a Department of Building and Safety Plan Check Engineer at the time of plan check.

No X Sign and notarize the signature at the bottom of the form and return the notarized form to a Department of Building and Safety Plan Check Engineer at the time of plan check.

III. Owner's Declaration

I own the property located at 846 S. Union Avenue. I have read the above "Notice to Owner." I understand that a "project," as defined by CEQA, is the whole of the proposed activity and is not limited to the demolition subject to this application. I further understand that CEQA prohibits treatment of each separate approval as a separate project for purposes of evaluating environmental impacts. I acknowledge and understand that should the City determine that the demolition proposed is part of a larger project requiring any discretionary permits, the City may revoke and/or stay any approvals (including certificates of occupancy) until a full and complete CEQA analysis is prepared and clearance is adopted or certified.

I certify that (i) the demolition authorized by this permit is not to facilitate the construction or development of a larger project at the project site, or (ii) the demolition is part of a larger project and, after using all reasonable efforts, including consulting with the City Planning Department, I have determined there are no discretionary permits required for the project, including but not limited to haul route permits, permits to remove protected trees, historic resource review, or any discretionary zoning or map approvals.

Date July 26, 2022 Name of the Owner (Print) Monsignor Gregory A. Cox

Signature Gregory A. Cox

(See page 2 of 2 For Notary Acknowledgment)

City of Los Angeles - Department of Building and Safety

Attachment to Application for Demolition Permit:
Notice and Owner's Declaration Related to CEQA
and Project Scope

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles)

On July 26, 2022 before me, Regina Chow - Notary
(insert name and title of the officer)

personally appeared Gregory A. Cox,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALITY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

REGINA CHOW
Notary Public - California
Los Angeles County
Commission # 2337489
My Comm. Expires Nov 16, 2024

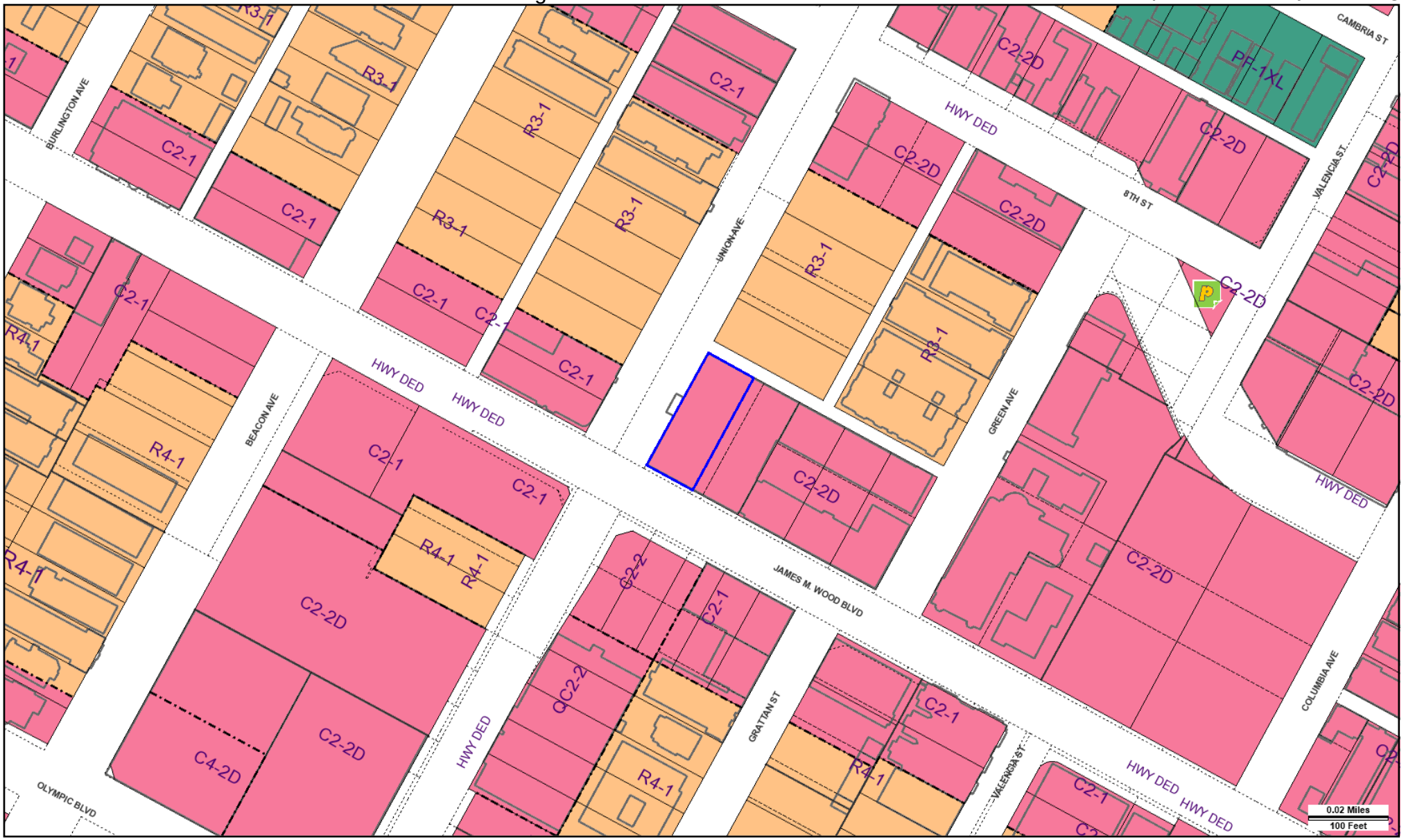
Exhibit 2

ZIMAS PUBLIC

Generalized Zoning

10/03/2022

City of Los Angeles
Department of City Planning



Address: 846 S UNION AVE
APN: 5142018007
PIN #: 130-5A205 245

Tract: E. K. GREEN TRACT
Block: None
Lot: FR 7
Arb: None

Zoning: C2-2D
General Plan: Highway Oriented Commercial

LEGEND

GENERALIZED ZONING

- OS, GW
- A, RA
- RE, RS, R1, RU, RZ, RW1
- R2, RD, RMP, RW2, R3, RAS, R4, R5, PVSP
- CR, C1, C1.5, C2, C4, C5, CW, WC, ADP, LASED, CEC, USC, PPSP, MU, NMU
- CM, MR, CCS, UV, UI, UC, M1, M2, LAX, M3, SL, HJ, HR, NI
- P, PB
- PF

GENERAL PLAN LAND USE

LAND USE

RESIDENTIAL

- Minimum Residential
- Very Low / Very Low I Residential
- Very Low II Residential
- Low / Low I Residential
- Low II Residential
- Low Medium / Low Medium I Residential
- Low Medium II Residential
- Medium Residential
- High Medium Residential
- High Density Residential
- Very High Medium Residential

COMMERCIAL

- Limited Commercial
- Limited Commercial - Mixed Medium Residential
- Highway Oriented Commercial
- Highway Oriented and Limited Commercial
- Highway Oriented Commercial - Mixed Medium Residential
- Neighborhood Office Commercial
- Community Commercial
- Community Commercial -Mixed High Residential
- Regional Center Commercial

INDUSTRIAL

- Commercial Manufacturing
- Limited Manufacturing
- Light Manufacturing
- Heavy Manufacturing
- Hybrid Industrial

PARKING

- Parking Buffer

PORT OF LOS ANGELES

- General / Bulk Cargo - Non Hazardous (Industrial / Commercial)
- General / Bulk Cargo - Hazard
- Commercial Fishing
- Recreation and Commercial
- Intermodal Container Transfer Facility Site

LOS ANGELES INTERNATIONAL AIRPORT

- Airport Landside / Airport Landside Support
- Airport Airside
- LAX Airport Northside

OPEN SPACE / PUBLIC FACILITIES

- Open Space
- Public / Open Space
- Public / Quasi-Public Open Space
- Other Public Open Space
- Public Facilities

FRAMEWORK

COMMERCIAL

- Neighborhood Commercial
- General Commercial
- Community Commercial
- Regional Mixed Commercial

INDUSTRIAL

- Limited Industrial
- Light Industrial

CIRCULATION

STREET

- Arterial Mountain Road
- Collector Scenic Street
- Collector Street
- Collector Street (Hillside)
- Collector Street (Modified)
- Collector Street (Proposed)
- Country Road
- Divided Major Highway II
- Divided Secondary Scenic Highway
- Local Scenic Road
- Local Street
- Major Highway (Modified)
- Major Highway I
- Major Highway II
- Major Highway II (Modified)
- Major Scenic Highway
- Major Scenic Highway (Modified)
- Major Scenic Highway II
- Mountain Collector Street
- Park Road
- Parkway
- Principal Major Highway
- Private Street
- Scenic Divided Major Highway II
- Scenic Park
- Scenic Parkway
- Secondary Highway
- Secondary Highway (Modified)
- Secondary Scenic Highway
- Special Collector Street
- Super Major Highway

FREEWAYS

- Freeway
- Interchange
- On-Ramp / Off- Ramp
- Railroad
- Scenic Freeway Highway

MISC. LINES

- Airport Boundary
- Bus Line
- Coastal Zone Boundary
- Coastline Boundary
- Collector Scenic Street (Proposed)
- Commercial Areas
- Commercial Center
- Community Redevelopment Project Area
- Country Road
- DWP Power Lines
- Desirable Open Space
- Detached Single Family House
- Endangered Ridgeline
- Equestrian and/or Hiking Trail
- Hiking Trail
- Historical Preservation
- Horsekeeping Area
- Local Street
- MSA Desirable Open Space
- Major Scenic Controls
- Multi-Purpose Trail
- Natural Resource Reserve
- Park Road
- Park Road (Proposed)
- Quasi-Public
- Rapid Transit Line
- Residential Planned Development
- Scenic Highway (Obsolete)
- Secondary Scenic Controls
- Secondary Scenic Highway (Proposed)
- Site Boundary
- Southern California Edison Power
- Special Study Area
- Specific Plan Area
- Stagecoach Line
- Wildlife Corridor

POINTS OF INTEREST

- Alternative Youth Hostel (Proposed)
- Animal Shelter
- Area Library
- Area Library (Proposed)
- Bridge
- Campground
- Campground (Proposed)
- Cemetery
- HW Church
- City Hall
- Community Center
- Community Library
- Community Library (Proposed Expansion)
- Community Library (Proposed)
- Community Park
- Community Park (Proposed Expansion)
- Community Park (Proposed)
- Community Transit Center
- Convalescent Hospital
- Correctional Facility
- Cultural / Historic Site (Proposed)
- Cultural / Historical Site
- Cultural Arts Center
- DMV DMV Office
- DWP DWP
- DWP Pumping Station
- Equestrian Center
- HQ Fire Department Headquarters
- Fire Station
- Fire Station (Proposed Expansion)
- Fire Station (Proposed)
- Fire Supply & Maintenance
- Fire Training Site
- Fireboat Station
- Health Center / Medical Facility
- Helistop
- Historic Monument
- Historical / Cultural Monument
- Horsekeeping Area
- Horsekeeping Area (Proposed)
- Horticultural Center
- Hospital
- Hospital (Proposed)
- HW House of Worship
- e Important Ecological Area
- e Important Ecological Area (Proposed)
- Interpretive Center (Proposed)
- JC Junior College
- M MTA / Metrolink Station
- M MTA Station
- MTA Stop
- MWD MWD Headquarters
- Maintenance Yard
- Municipal Office Building
- P Municipal Parking lot
- Neighborhood Park
- Neighborhood Park (Proposed Expansion)
- Neighborhood Park (Proposed)
- Oil Collection Center
- P Parking Enforcement
- HQ Police Headquarters
- Police Station
- Police Station (Proposed Expansion)
- Police Station (Proposed)
- Police Training site
- PO Post Office
- Power Distribution Station
- Power Distribution Station (Proposed)
- Power Receiving Station
- Power Receiving Station (Proposed)
- C Private College
- E Private Elementary School
- Private Golf Course
- Private Golf Course (Proposed)
- JH Private Junior High School
- PS Private Pre-School
- Private Recreation & Cultural Facility
- SH Private Senior High School
- SF Private Special School
- E Public Elementary (Proposed Expansion)
- E Public Elementary School
- E Public Elementary School (Proposed)
- Public Golf Course
- Public Golf Course (Proposed)
- Public Housing
- Public Housing (Proposed Expansion)
- JH Public Junior High School
- JH Public Junior High School (Proposed)
- MS Public Middle School
- SH Public Senior High School
- SH Public Senior High School (Proposed)
- Pumping Station
- Pumping Station (Proposed)
- Refuse Collection Center
- Regional Library
- Regional Library (Proposed Expansion)
- Regional Library (Proposed)
- Regional Park
- Regional Park (Proposed)
- RPD Residential Plan Development
- Scenic View Site
- Scenic View Site (Proposed)
- ADM School District Headquarters
- SC School Unspecified Loc/Type (Proposed)
- Skill Center
- SS Social Services
- Special Feature
- Special Recreation (a)
- SF Special School Facility
- SF Special School Facility (Proposed)
- Steam Plant
- sm Surface Mining
- Trail & Assembly Area
- Trail & Assembly Area (Proposed)
- UTL Utility Yard
- Water Tank Reservoir
- Wildlife Migration Corridor
- Wildlife Preserve Gate

SCHOOLS/PARKS WITH 500 FT. BUFFER

- Existing School/Park Site
- Planned School/Park Site
- Inside 500 Ft. Buffer

- Aquatic Facilities
- Beaches
- Child Care Centers
- Dog Parks
- Golf Course
- Historic Sites
- Horticulture/Gardens
- Skate Parks
- Other Facilities
- Park / Recreation Centers
- Parks
- Performing / Visual Arts Centers
- Recreation Centers
- Senior Citizen Centers
- Opportunity School
- Charter School
- Elementary School
- Span School
- Special Education School
- High School
- Middle School
- Early Education Center

COASTAL ZONE

- Coastal Commission Permit Area
- Dual Permit Jurisdiction Area
- Single Permit Jurisdiction Area
- Not in Coastal Zone

TRANSIT ORIENTED COMMUNITIES (TOC)

- Tier 1
- Tier 2
- Tier 3
- Tier 4

Note: TOC Tier designation and map layers are for reference purposes only. Eligible projects shall demonstrate compliance with Tier eligibility standards prior to the issuance of any permits or approvals. As transit service changes, eligible TOC Incentive Areas will be updated.

WAIVER OF DEDICATION OR IMPROVEMENT

- Public Work Approval (PWA)
- Waiver of Dedication or Improvement (WDI)

OTHER SYMBOLS

- Lot Line
- Tract Line
- Lot Cut
- Easement
- Zone Boundary
- Building Line
- Lot Split
- Community Driveway
- Building Outlines 2014
- Building Outlines 2008
- Airport Hazard Zone
- Census Tract
- Coastal Zone
- Council District
- LADBS District Office
- Downtown Parking
- Fault Zone
- Fire District No. 1
- Tract Map
- Parcel Map
- Flood Zone
- Hazardous Waste
- High Wind Zone
- Hillside Grading
- Historic Preservation Overlay Zone
- Specific Plan Area
- Very High Fire Hazard Severity Zone
- Wells

Exhibit 3

---------- Forwarded message ---------
From: **Planning Redevelopment** <planning.redevelopment@lacity.org>
Date: Wed, Feb 5, 2020 at 7:32 AM
Subject: 846 Union
To: >
Cc: Lambert Giessinger <lambert.giessinger@lacity.org>, Micaela Torres-Gil <micaela.torres-gil@lacity.org>

Hello ,

After review of your intake form, you completed Wester/Slauson intake form instead of the Westlake Intake form. Upon further review, the site proposed for demolition is identified as eligible for the California Register (see below). Copied on this email is the Office of Historic Resources (OHR). Pursuant to Section 522 of the Westlake Redevelopment Plan (https://planning.lacity.org/odocument/52c382d4-1d23-4a8e-baa1-b491a3999ad7/Westlake.pdf), special consideration shall be given to the protection of the building. This demolition permit will not be cleared, please contact OHR for additional information on this matter (copied on this email).

For the page below please see survey here: https://planning.lacity.org/odocument/414fd7c3-3227-4de4-b23d-3344b7754f5d/Westlake_RRA_Appendix_C.pdf

<image.png>

Best,

Giselle

--

Redevelopment Plan Unit

Development Services Center
Los Angeles City Planning
201 N. Figueroa St., Suite 525

Los Angeles, CA. 90012

Planning4LA.org

T: (213) 202 5456

Exhibit 4

---------- Forwarded message ---------
From: **Max Loder** <max.loder@lacity.org>
Date: Mon, Jan 24, 2022 at 10:56 AM
Subject: Re: 846 S UNION AVE 90017
To: Jessica Roberts <Jessica@bamainc.com>

Thanks Jessica.

The property at 846 S. Union Ave. was identified as being eligible for listing on the California Register of Historical Resources and as a potential locally-listed historic resource (see survey reports here, pages 719-721) through a historic resources survey of the Westlake Recovery Redevelopment Project Area. The Redevelopment Plan for this area requires that special consideration be given to the protection of historic structures. Therefore, any project involving an identified or potential historic resource will require additional review.

While the identification of the property through the survey is not a formal designation or determination of eligibility, it establishes a baseline for historic review. If a future project requires demolition, the first step with regard to historic review will be to confirm whether the project site contains eligible historic resources. The property still appears to be as originally surveyed. However, if this has changed, you may prepare and submit a historic resources assessment report yielding new information about the property's eligibility for review by the Office of Historic Resources. I've attached the report requirements and a list of qualified consultants to this email.

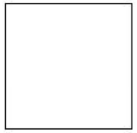
If it is determined the properties remain eligible for listing in the California Register, they will be considered "Historical Resources" for purposes of the California Environmental Quality Act (CEQA)(PRC 15064.5(a)). In this case, the development potential of the site would be guided, in part, by the ability of any proposed project to meet the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties, the Standard of review for historic resources. A project that meets the Standards is considered to have minimal to no impact on the environment under CEQA. The Office of Historic Resources (OHR) can work with you to achieve a project that complies with the Standards and achieves your development goals. A project that results in an impact to historical resources (i.e. demolition) will require additional environmental review.

You should be able to upload your documents in OAS now. Please do so for the two attachments you sent me on the latest email in this thread.

Best,

Max

3:49 PM (4 hours ago)



Lambert Giessinger

Exhibit 5

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 532
LOS ANGELES, CA 90012-4801

CULTURAL HERITAGE COMMISSION

BARRY A. MILOFSKY
PRESIDENT

GAIL KENNARD
VICE PRESIDENT
PILAR BUELNA
DIANE KANNER
RICHARD BARRON

COMMISSION OFFICE
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA

ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

CERTIFIED MAILING - RETURN RECEIPT REQUESTED

May 24, 2022

Catholic Charities of Los Angeles
Inc. c/o Dan O'Brien
1531 James M. Wood Blvd
Los Angeles, CA 90015

The Lighthouse Mission Church
4311 Wilshire Boulevard, #615
Los Angeles, CA 90010

The Lighthouse Mission Church
Corporation
846 South Union Avenue
Los Angeles, CA 90017

B'NAI B'RITH LODGE; 846 SOUTH UNION AVENUE; APN: 5142018007

On May 11, 2022, the Los Angeles Department of City Planning received an application for the proposed designation of the above-referenced property as an Historic-Cultural Monument pursuant to Los Angeles Administrative Code Section 22.171.10, *et seq.* (Cultural Heritage Ordinance). The Office of Historic Resources is currently reviewing the application for completeness and will inform you when it is deemed complete.

Because the subject property may be owned by a religious institution, the City hereby provides the owner with an opportunity to object to the designation pursuant to Government Code Sections 37361 (c) and (d).

Please provide a response, in writing, as to whether your association or organization has any objections to the proposed designation by 10 Days after Mailing Date. Said response should be sent to the attention of the individuals listed below either via e-mail or to the address listed above. Absent receipt of a response by the date specified above, the application will continue to be reviewed by staff in accordance with the City's Cultural Heritage Ordinance. You will be notified of any public hearings related to the proposed designation of the subject property.

If you have questions, please contact Melissa Jones, Office of Historic Resources at (213) 847-3679 or via email at melissa.jones@lacity.org or Lambert Giessinger, Architect, Office of Historic Resources at (213) 847-3648 or via email at lambert.giessinger@lacity.org.

Sincerely,

Alice Inawat, Commission Executive Assistant
Cultural Heritage Commission

Enclosure: Historic-Cultural Monument Nomination Form

cc: Gerald Gubatan, Planning Director, First Council District
Ken Bernstein, Principal City Planner, Office of Historic Resources
Shannon Ryan, Senior City Planner, Office of Historic Resources
Lambert Giessinger, Architect, Office of Historic Resources
Melissa Jones, City Planning Associate, Office of Historic Resources

Exhibit 6

Catholic Charities of Los Angeles, Inc.

Archbishop José H. Gomez
Chairman of the Board

Reverend Monsignor Gregory A. Cox
Executive Director

1531 James M. Wood Boulevard
P.O. Box 15095
Los Angeles, CA 90015-0095
Tel: (213) 251-3464
Fax: (213) 380-4603
www.CatholicCharitiesLA.org

May 27, 2022

Sent via email

Office of Historic Resources
Attn: Melissa Jones
melissa.jones@lacity.org
(213) 847-3679
Attn: Lambert Giessinger
lambert.giessinger@lacity.org
(213) 847-3648

RE: Objection to Historic-Cultural Monument Designation – B'nai B'rith Lodge (846 S. Union Avenue | APN 5142018007)

Dear Ms. Jones and Mr. Giessinger,

I write to you on behalf of Catholic Charities of Los Angeles in response to a May 24, 2022 letter from the Cultural Heritage Commission regarding the proposed designation of the B'nai B'rith Lodge (846 S. Union Avenue) as a Historic-Cultural Monument pursuant to Los Angeles Administrative Code Section 22.171.10, et seq. (Cultural Heritage Ordinance). Catholic Charities, a religious affiliated entity, formally objects to the proposed Historic-Cultural Monument designation pursuant to Government Code Section 37361(c) as set forth below.

Pursuant to Section 37361(c), a locally adopted historical resources preservation ordinance such as the Cultural Heritage Ordinance does not apply to "noncommercial property owned by any association or corporation that is religiously affiliated and not organized for private profit… provided that both of the following occur:

(1) The association or corporation objects to the application of the subdivision to its property.

(2) The association or corporation determines in a public forum that it will suffer substantial hardship, which is likely to deprive the association or corporation of economic return on its property, the reasonable use of its property, or the appropriate use of its property in the furtherance of its religious mission, if the application is approved."

In September 2018, Catholic Charities acquired the 846 S. Union Avenue property from Lighthouse Mission Church. Lighthouse Mission Church had been using the property as a church and for related religious uses since 1989. Catholic Charities acquired the property from Lighthouse Mission Church in order to advance Catholic Charities' religious and charitable mission. Catholic Charities is a non-profit, public benefit corporation that is the social service arm of the Archdiocese of Los Angeles, an archdiocese

of the Roman Catholic Church. On behalf of the Archbishop, Catholic Charities is focused on advancing the social ministry of the Archdiocese, working with the community and parishes to provide services to individuals and families in crisis, persons in poverty, homeless adults and children, at risk youth, the elderly and special adult populations, and refugees and immigrants. Catholic Charities currently operates 18 community centers and 10 homeless shelters and provides a range of other community services throughout the Archdiocese of Los Angeles. The property at 846 S. Union Avenue (and the immediately adjacent parking lot) was purchased in furtherance of the mission of the Catholic Church.

Due to the dilapidated state of the existing building and the significant expenditures that are needed to bring the building into a usable condition, Catholic Charities will suffer a substantial hardship that will deprive it of the reasonable use of the property in furtherance of its mission if the proposed Historic-Cultural Monument designation is approved. (*See* California-Nevada Annual Conference of the United Methodist Church v. City and County of San Francisco, 173 Cal. App. 4th 1559 (2009).) The building is in extremely poor condition; structural, seismic, mold and other issues makes use of the building financially infeasible for Catholic Charities. Our goal, consistent with our mission, is to ultimately use this property to house a community center with an indoor gymnasium and youth homeless housing. As you may be aware, this area is in desperate need of safe recreational spaces, housing, and social services for youth, the working poor and unhoused. We witness daily the needs of this community and are committed to providing these vital social services as part of our religious mission.

Pursuant to Government Code Section 37361(c), Catholic Charities objects to the application designating the former B'nai B'rith Lodge as a Historic-Cultural Monument and respectfully asks the Office of Historic Resources to deny the application.

Catholic Charities, along with our pro bono counsel, Latham & Watkins, would be happy to respond to questions or discuss this matter further at your convenience. Please do not hesitate to contact George Mihlsten or Maria Hoye at 213-485-1234 or me at (213) 251-3462.

Sincerely,

Rev. Monsi or Gregory A. Cox
Executive Director

cc: Kevin Keller, Deputy Mayor, Mayor's Office of Economic Development
Lisa Webber, Deputy Director of Planning, Department of City Planning
Ken Bernstein, Principal City Planner, Office of Historic Resources
Shannon Ryan, Senior City Planner, Office of Historic Resources
Alice Inawat, Commission Executive Assistant, Cultural Heritage Commission
Susan Wong, City Planner, Redevelopment Plan Unit
Jane Choi, City Planner
Gerald Gubatan, Planning Director, First Council District
George Mihlsten, Partner, Latham & Watkins LLP
Maria Hoye, Partner, Latham & Watkins LLP

Exhibit 7

DEPARTMENT OF CITY PLANNING

OFFICE OF HISTORIC RESOURCES
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012-2639

CULTURAL HERITAGE COMMISSION

BARRY A. MILOFSKY
PRESIDENT

GAIL M. KENNARD
VICE PRESIDENT

RICHARD BARRON
PILAR BUELNA
DIANE KANNER

COMMISSION OFFICE
(213) 978-1300

City of Los Angeles

CALIFORNIA

ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. Spring Street, Room 525
Los Angeles, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

CERTIFIED MAILING - RETURN RECEIPT REQUESTED

June 15, 2022

David A. Silvas and Pini Dunner
113 N. San Vicente Boulevard
Beverly Hills, CA 90211
Transmitted via USPS and E-mail

Steven Luftman
1212 S. Orlando Avenue
Los Angeles, CA 90035
Transmitted via USPS and E-mail

B'NAI B'RITH LODGE; 846 SOUTH UNION AVENUE; APN: 5142018007; CD 1

Pursuant to Section 37361 of the California Government Code, this letter is to advise you that the Department of City Planning (Planning) is no longer processing the application for the proposed designation of the above-referenced property as an Historic-Cultural Monument.

On May 11, 2022, the Los Angeles Department of City Planning received an application for the proposed designation of the above-referenced property as an Historic-Cultural Monument pursuant to Los Angeles Administrative Code Section 22.171.10, *et seq*. (Cultural Heritage Ordinance). In advance of the application being deemed complete, several actions were taken by the Catholic Charities of Los Angeles, Inc. that prevent it from being considered or designated as an Historic-Cultural Monument.

On May 27, 2022, Planning received a letter from the Pacific Southwest District, Catholic Charities of Los Angeles Inc. (Catholic Charities) stating its formal objection to the proposed designation, pursuant to California Government Code Section 37361 subsection (c)(2). On June 8, 2022, a representative of Catholic Charities appeared before the Los Angeles City Council, and stated that "Catholic Charities objects to the proposed designation…Catholic Charities has determined that if the property is designated as an Historic-Cultural Monument, Catholic Charities will suffer substantial hardship which will deprive Catholic Charities of appropriate use of the property in the furtherance of our religious mission, reasonable use of the property, and economic return on the property." Therefore, Planning has ceased processing of the proposed designation of the above-referenced property as an Historic-Cultural Monument.

If you have questions, please contact Melissa Jones, Office of Historic Resources at (213) 847-3679 or via email at melissa.jones@lacity.org or Lambert Giessinger, Architect, Office of Historic Resources at (213) 847-3648 or via email at lambert.giessinger@lacity.org.

Sincerely,

Alice Inawat, Commission Executive Assistant
Cultural Heritage Commission

c: Catholic Charities Los Angeles, Inc.
George Mihlsten, Latham & Watkins
Gerald Gubatan, Planning Director, First Council District
Ken Bernstein, Principal City Planner, Office of Historic Resources
Shannon Ryan, Senior City Planner, Office of Historic Resources
Lambert Giessinger, Architect, Office of Historic Resources
Melissa Jones, City Planning Associate, Office of Historic Resources
Kimberly Huangfu, Deputy City Attorney, City Attorney’s Office

Exhibit 8

Catholic Charities
of Los Angeles, Inc.

Archbishop José H. Gomez
Chairman of the Board

Reverend Monsignor Gregory A. Cox
Executive Director

1531 James M. Wood Boulevard
P.O. Box 15095
Los Angeles, CA 90015-0095
Tel: (213) 251-3464
Fax: (213) 380-4603
www.CatholicCharitiesLA.org

June 6, 2022

Via Hand Delivery

City Council
City of Los Angeles
c/o City Clerk
200 N. Spring Street
Los Angeles, CA 90012

RE: Objection to Historic-Cultural Monument Designation – 846 S. Union Avenue

Dear President Martinez and Honorable Councilmembers,

I write to you on behalf of Catholic Charities of Los Angeles, a non-profit, public benefit corporation that is the social service arm of the Archdiocese of Los Angeles, in response to a May 24, 2022 letter from the Cultural Heritage Commission regarding the proposed designation of the property located at 846 S. Union Avenue as a Historic-Cultural Monument.[1]

Catholic Charities has determined that if the property is designated as a Historic-Cultural Monument, Catholic Charities will suffer substantial hardship which will deprive Catholic Charities of appropriate use of the property in the furtherance of its religious mission, reasonable use of the property, and economic return on the property. Catholic Charities hereby makes this determination at this City Council meeting of June 8, 2022 and objects to the proposed Historic-Cultural Monument designation as provided by Government Code Section 3736.1

In September 2018, Catholic Charities acquired the 846 S. Union Avenue property from Lighthouse Mission Church. Lighthouse Mission Church had been using the property as a church and for related religious uses since 1989.

Catholic Charities acquired the property in order to advance Catholic Charities' religious and charitable mission. Catholic Charities works with the community and parishes to provide

[1] We understand that the building was originally developed in 1924 as a lodge and meeting space for the Jewish fraternal organization Independent Order of B'nai B'rith, and also included commercial space on the first floor. The 1924 building was designed by Samuel Tilden Norton. After its sale in 1933, the building had multiple owners including the AFL Joint Council 42, which converted the store fronts to offices and constructed an additional building on West 9th Street. The building was acquired by Lighthouse Mission Church in 1989 and operated as a church.

services to individuals and families in crisis, persons in poverty, homeless adults and children, at risk youth, the elderly and special adult populations, and refugees and immigrants. The property (and the immediately adjacent parking lot) was purchased in furtherance of the mission of the Catholic Church. Catholic Charities currently operates 18 community centers and 10 homeless shelters and provides a range of other community services throughout the Archdiocese of Los Angeles.

Our goal, consistent with our mission and operations at other properties, is to ultimately use this property to house a community center with an indoor gymnasium and youth homeless housing, and an outdoor athletic field. This area is in desperate need of safe recreational spaces, housing, and social services for youth, the working poor and unhoused. We witness daily the needs of this community and are committed to providing these vital social services as part of our religious mission.

The building is in extremely poor condition; structural, seismic, mold and other issues See the letter report from Youseff and Associates attached to this letter. We cannot use the existing building in its current condition. Due to the dilapidated state of the existing building, millions of dollars are needed to address these serious deficiencies. These costs would deprive Catholic Charities from being able to use the property or advance its mission to help the poor.

Catholic Charities, along with our pro bono counsel, Latham & Watkins, would be happy to respond to questions or discuss this matter further at your convenience. Please do not hesitate to contact me at 213 251-3462, or George Mihlsten or Maria Hoye at 213-485-1234.

Sincerely,

Gregory A. Cox

Rev. Monsignor Gregory A. Cox
Executive Director

cc: The Honorable Eric Garcetti
Kevin Keller, Mayor's Office of Economic Development
Lisa Webber, Department of City Planning
Ken Bernstein, Office of Historic Resources
Melisa Jones Office of Historic Resources
Lambert Giessinger Office of Historic Resources
Shannon Ryan, Office of Historic Resources
Alice Inawat, Cultural Heritage Commission
Susan Wong, City Planner,
Jane Choi, City Planner
Gerald Gubatan, Planning Director, First Council District
George Mihlsten, Latham & Watkins LLP
Maria Hoye, Latham & Watkins LLP

NABIH YOUSSEF
ASSOCIATES
STRUCTURAL ENGINEERS

June 6 , 2022

Monsignor Cox
Executive Director
Catholic Charities of Los Angeles
1531 James M. Wood Boulevard
Los Angeles, CA 90015

Re: Structural Evaluation 846 S Union Ave, Los Angeles, CA 90017

Dear Monsignor Cox:

Nabih Youssef Associates (NYA) has performed an evaluation of the existing building of 846 S Union Ave. Our review is based on a site visit, material testing program conducted by Accu-Test Structural Laboratories, Inc., exploratory excavations by Feffer Geo Consulting and an as-built plan view of the building.

Significant building degradation was observed in the basement concrete walls and in the unreinforced masonry (URM) wall mortar above grade. At certain locations throughout the basement, significant spalling in the bottom 1/3rd of the wall height was exposing the steel rebar that also showed deterioration due to loss of concrete cover. Also, the mortar in the URM walls observed to be crumbling away with a brush of the finger.

The property consists of a rectangular, 3-story building originally constructed in 1924 oriented with its long dimension in the northeast-southwest direction. The building height is approximately 41'-6" and the footprint is 160'-6" x 80'-0". The building was originally constructed of wood joist floor framing supported by steel wide flange beams and perimeter concrete masonry unit (CMU) and unreinforced masonry (URM) walls. Steel truss girders support the roof structure. The foundation system consists of concrete spread footings beneath reinforced concrete basement columns and walls.

The lathed wood floor supported by steel beams act as structural diaphragms to transfer seismic forces to the exterior URM walls that provide the building's lateral resistance. No analysis has been done to determine the strength of the floor diaphragm. There is an adjacent building that is seismically separated from the subject building; however the space between structures is effectively zero.

The material testing program was performed to determine if the observed degradation is affecting the structural performance of the building. Sixteen concrete core specimens were extracted from various reinforced concrete walls in the basement and tested for compressive strength and unit weight. Masonry in-place shear tests and in-situ modulus of elasticity (E) tests were performed at various locations on the level 2 URM walls to determine the shear strength and deformability of the URM walls.

The exploratory excavations of the column and wall footings were to determine the depth and size of a select sample of footings. Results would help determine the bearing pressure of each location explored.

Based on our site visit, testing results, and footing explorations we have the following comments:

- The observed degradation of the reinforced concrete walls is concerning and the cause undetermined. Neither degrading chemicals such as calcium chloride nor evidence of flooding were found by Feffer Geo Consulting.
- The compressive strength results of the reinforced concrete walls are much lower than expected. Compressive strengths are required by the building code to be a minimum of 2500psi (ACI 318-19

19.2.1.1), and some locations were found to be as low as 753psi. Only two of sixteen core samples resulted in a compressive strength greater than 2500psi.

- In-place shear test results of the URM walls showed that when compared to numerous buildings tested by Accu-Test over 3 decades, the shear strength is in the lower 20th percentile. Typical shear strengths of other buildings tested are on average above 100psi. The average shear strength achieved in the subject building was 37psi.
- In-situ modulus of elasticity test results of the URM walls showed much lower than average f'm and E values. Similar to the shear results, the average values are in the lower 20th percentile of other building test results.
- The exploratory excavations revealed smaller footing sizes than expected for the exterior wall and interior column supporting the most gravity load. The wall footing supporting the majority of the building weight was found to be forty inches wide while the interior column footing supporting more load than any other column was found to be fifty-four inches square.

Based on our evaluation, the building at 846 Union Ave. needs major seismic upgrades to bring the lateral building strength up to current building standards and to prevent further degradation. The URM walls need major pointing and strengthening to resist the lateral forces the building would see in a major seismic event. It is possible that a new parallel lateral resisting system would be required to sufficiently strengthen the building. The basement reinforced concrete walls require repairs where significant concrete spalling has occurred. The cause of the degradation in the basement would have to be found and corrected.

We understand that Catholic Charities desires to use the property to provide a community center and/or homeless youth housing. We caution that material structural upgrades would be required for any such change of use of the structure particularly given the significant structural building degradation we have observed.

Also we note that, although not evaluated by our team, we visually observed significant mold in many areas of the building during our site visit, which should to be properly addressed prior to work within the building.

Please call us at 213.362.0707 if you have any questions.

Sincerely,
NABIH YOUSSEF & ASSOCIATES

Ryan Wilkerson
Principal

Exhibit 9

NABIH YOUSSEF
ASSOCIATES
STRUCTURAL ENGINEERS

June 6 , 2022

Monsignor Cox
Executive Director
Catholic Charities of Los Angeles
1531 James M. Wood Boulevard
Los Angeles, CA 90015

Re: Structural Evaluation 846 S Union Ave, Los Angeles, CA 90017

Dear Monsignor Cox:

Nabih Youssef Associates (NYA) has performed an evaluation of the existing building of 846 S Union Ave. Our review is based on a site visit, material testing program conducted by Accu-Test Structural Laboratories, Inc., exploratory excavations by Feffer Geo Consulting and an as-built plan view of the building.

Significant building degradation was observed in the basement concrete walls and in the unreinforced masonry (URM) wall mortar above grade. At certain locations throughout the basement, significant spalling in the bottom 1/3rd of the wall height was exposing the steel rebar that also showed deterioration due to loss of concrete cover. Also, the mortar in the URM walls observed to be crumbling away with a brush of the finger.

The property consists of a rectangular, 3-story building originally constructed in 1924 oriented with its long dimension in the northeast-southwest direction. The building height is approximately 41'-6" and the footprint is 160'-6" x 80'-0". The building was originally constructed of wood joist floor framing supported by steel wide flange beams and perimeter concrete masonry unit (CMU) and unreinforced masonry (URM) walls. Steel truss girders support the roof structure. The foundation system consists of concrete spread footings beneath reinforced concrete basement columns and walls.

The lathed wood floor supported by steel beams act as structural diaphragms to transfer seismic forces to the exterior URM walls that provide the building's lateral resistance. No analysis has been done to determine the strength of the floor diaphragm. There is an adjacent building that is seismically separated from the subject building; however the space between structures is effectively zero.

The material testing program was performed to determine if the observed degradation is affecting the structural performance of the building. Sixteen concrete core specimens were extracted from various reinforced concrete walls in the basement and tested for compressive strength and unit weight. Masonry in-place shear tests and in-situ modulus of elasticity (E) tests were performed at various locations on the level 2 URM walls to determine the shear strength and deformability of the URM walls.

The exploratory excavations of the column and wall footings were to determine the depth and size of a select sample of footings. Results would help determine the bearing pressure of each location explored.

Based on our site visit, testing results, and footing explorations we have the following comments:

- The observed degradation of the reinforced concrete walls is concerning and the cause undetermined. Neither degrading chemicals such as calcium chloride nor evidence of flooding were found by Feffer Geo Consulting.
- The compressive strength results of the reinforced concrete walls are much lower than expected. Compressive strengths are required by the building code to be a minimum of 2500psi (ACI 318-19

19.2.1.1), and some locations were found to be as low as 753psi. Only two of sixteen core samples resulted in a compressive strength greater than 2500psi.

- In-place shear test results of the URM walls showed that when compared to numerous buildings tested by Accu-Test over 3 decades, the shear strength is in the lower 20th percentile. Typical shear strengths of other buildings tested are on average above 100psi. The average shear strength achieved in the subject building was 37psi.
- In-situ modulus of elasticity test results of the URM walls showed much lower than average f'm and E values. Similar to the shear results, the average values are in the lower 20th percentile of other building test results.
- The exploratory excavations revealed smaller footing sizes than expected for the exterior wall and interior column supporting the most gravity load. The wall footing supporting the majority of the building weight was found to be forty inches wide while the interior column footing supporting more load than any other column was found to be fifty-four inches square.

Based on our evaluation, the building at 846 Union Ave. needs major seismic upgrades to bring the lateral building strength up to current building standards and to prevent further degradation. The URM walls need major pointing and strengthening to resist the lateral forces the building would see in a major seismic event. It is possible that a new parallel lateral resisting system would be required to sufficiently strengthen the building. The basement reinforced concrete walls require repairs where significant concrete spalling has occurred. The cause of the degradation in the basement would have to be found and corrected.

We understand that Catholic Charities desires to use the property to provide a community center and/or homeless youth housing. We caution that material structural upgrades would be required for any such change of use of the structure particularly given the significant structural building degradation we have observed.

Also we note that, although not evaluated by our team, we visually observed significant mold in many areas of the building during our site visit, which should to be properly addressed prior to work within the building.

Please call us at 213.362.0707 if you have any questions.

Sincerely,
NABIH YOUSSEF & ASSOCIATES

Ryan Wilkerson
Principal

Exhibit 10

Request for Demolition Permit Clearance for 846 S. Union Avenue

LW

Lisa Webber <lisa.webber@lacity.org>
To Mihlsten, George (LA); Hoye, Maria (LA)
Cc Ken Bernstein; Arthi Varma; Shannon Ryan; Susan Wong; Sarah Molina-Pearson

Reply | Reply All | Forward | ...
Fri 7/8/2022 2:51 PM

You replied to this message on 7/28/2022 11:41 AM.
If there are problems with how this message is displayed, click here to view it in a web browser.

Good afternoon George and Maria,

Thank you for your recent follow-up messages to our staff regarding the request to provide a demolition permit clearance for the former B'nai B'rith Lodge building at 846 S. Union Avenue.

In reviewing this clearance request, our DSC Redevelopment Unit found that the project team had recently submitted a site plan for a replacement project at this property, via the City's Online Application System (OAS). Because CEQA requires environmental review of the totality of a project, the formal submission of these plans obligates our Department to evaluate the potential environmental impacts of this project.

These submitted project plans are consistent with site plans publicly detailed in Catholic Charities publications from 2018-19, as well as with Catholic Charities' more recent May 27, 2022 letter to the Office of Historic Resources, which referenced the organization's intent "to ultimately use this property to house a community center with an indoor gymnasium and youth homeless housing."

Given the substantial publicly available information indicating that a replacement project is contemplated for this site, it would not be appropriate for our Department to clear a stand-alone demolition permit for this structure, without evaluating a more complete project description and conducting additional environmental review.

I recognize this is not the answer you hoped to receive, but hope that it provides clear direction for next steps. The Department looks forward to working with you on the future plans for the property.

Sincerely,

Lisa Webber

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Lisa M. Webber, AICP
Deputy Director
Los Angeles City Planning

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E-NEWS

Exhibit 11

On Thu, Jul 28, 2022 at 11:41 AM <MARIA.HOYE@lw.com> wrote:

> Good morning, Lisa
>
> Thank you for your response. We have delayed in responding to your email because we wanted to re-confirm the information not only with Monsignor Cox, the Executive Director of Catholic Charities, but also with the Board of Catholic Charities.
>
> To be clear, Catholic Charities does not have a proposed project for the property nor has Catholic Charities approved proceeding with any project. Thus, no project description can be provided and there is nothing upon which an environmental review could be based.
>
> Catholic Charities has made no application to the City for development of a project and did not formally submit plans.
>
> In connection with the acquisition of the property and before the pandemic, staff at Catholic Charities had done some preliminary visioning of potential uses of the property. Some of that visioning was shared with the City and internally, but it was not, and was never intended to be, any form of formal project submittal. Catholic Charities has not done an evaluation of permitted uses, operational issues and costs that would inform plans for a property. In addition, a capital campaign has not been initiated.
>
> Most importantly, no decision has been made by the Board to proceed with a development of the property, let alone a specific project.
>
> Monsignor Cox has been clear in his communication with the City that there is no proposed project. Monsignor Cox has stated that he would submit to the City the owner's declaration confirming that there is no proposed project. Attached please find the executed form.
>
> What Catholic Charities does know is that the buildings are in very poor condition and cannot be used, and need to be demolished. The demolition is not to facilitate construction. The demolition is necessitated by the condition of the buildings and the need to avoid the costs of maintaining them so that Catholic Charities' limited funds can be spent fulfilling its mission to assist the City's most needy.
>
> Accordingly, we respectfully request that the City issue the requested demolition permit.
>
> Thank you,
>
> Maria